

order to protect Senators' ability to undertake their legislative responsibilities free from interference and questioning, the Speech or Debate Clause of the Constitution privileges from compelled production in court proceedings materials from Senators' files relating to the legislative sphere.

Nevertheless, Senators BYRD and ROCKEFELLER are willing to provide to the parties in this case copies of documents reflecting their offices' role, to the extent that they may properly do so without impairing the important interests underlying the Senate's constitutional privileges. In view of the subcontractor's lack of objection, the Senators also have no objection to furnishing copies of their correspondence with the subcontractor. In addition, both Senators would like to provide the records of their communications with the Labor Department regarding this matter. Consistent with the overriding importance that the Constitution recognizes in fostering unimpeded communications between Senators and their staffs concerning matters of potential legislative action, the Senators will not waive their legislative privileges for their offices' internal records and work product.

Accordingly, this resolution would authorize Senator BYRD's and Senator ROCKEFELLER's offices to produce documents in this case, except where a privilege or objection should be asserted. The resolution also would authorize the Senate Legal Counsel to represent employees in Senator BYRD's and Senator ROCKEFELLER's offices, should such representation become necessary to protect the Senate's privileges in connection with this matter.

Mr. COVERDELL. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 178) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, is as follows:

S. RES. 178

Whereas, in the case of *United States f.u.b.o. Kimberly Industries v. Trafalgar House Construction*, Civil Case No. 97-0462, pending in the United States District Court for the Southern District of West Virginia, documents have been requested from the offices of Senator Robert C. Byrd and Senator John D. Rockefeller IV;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial process, be taken from such control or possession but by permission of the Senate;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§ 288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for evidence relating to their official responsibilities;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistently with the privileges of the Senate: Now, therefore, be it

Resolved That the offices of Senator Byrd and Senator Rockefeller are authorized to produce documents in the case of *United States f.u.b.o. Kimberly Industries v. Trafalgar House Construction* except concerning matters for which a privilege or objection should be asserted.

SEC. 2. That the Senate Legal Counsel is authorized to represent employees of the Senator Byrd and Senator Rockefeller in connection with any subpoena or request for documents or testimony in *United States f.u.b.o. Kimberly Industries v. Trafalgar House Construction*.

ORDERS FOR FRIDAY, FEBRUARY 13, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 10 a.m. on Friday, February 13, for a pro forma session only and immediately the Senate stand in adjournment until Monday, February 23, as under the provisions of H. Con. Res 201, the adjournment resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, FEBRUARY 23, 1998

Mr. COVERDELL. Mr. President, I ask unanimous consent that on Monday, immediately following the prayer, the routine requests through the morning hour be granted, and the Senate then proceed to the reading of President Washington's Farewell Address by Senator LANDRIEU.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COVERDELL. Mr. President, I ask unanimous consent that, following the reading, the Senate proceed to a period for the transaction of morning business until 3 p.m., with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. COVERDELL. Mr. President, in conjunction with the previous unanimous consent agreements, tomorrow the Senate will be in a pro forma session only. Upon the return from the President's Day recess on February 23, the Senate will reconvene at 12 noon, and following Senator LANDRIEU's reading of George Washington's Address, the Senate will be in a period for morning business until 3 p.m. No rollcall votes will occur during the Monday, February 23, session of the Senate. Members can anticipate rollcall votes after 2:15 p.m. on Tuesday, February 24.

UNANIMOUS CONSENT AGREEMENT—CAMPAIGN FINANCE REFORM

Mr. COVERDELL. At 3 p.m. on Monday, February 23, 1998, I ask unanimous consent that the Senate proceed to the campaign finance reform legislation, as outlined in the consent agreement of October 30, 1997.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT

Mr. COVERDELL. Mr. President, if there is no further business to come before the Senate, I now ask that the Senate stand in adjournment, under the previous order, following the remarks of Senator LAUTENBERG and Senator SPECTER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Jersey is recognized.

(The remarks of Mr. LAUTENBERG pertaining to the introduction of the legislation are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. Under the previous order, the Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, I thank the Chair.

IRAQ

Mr. SPECTER. Mr. President, I have sought recognition, and as the final speaker before we adjourn for a recess, I am going to comment about the situation in Iraq.

It had been my hope that the Congress might have addressed this issue. But it is obvious now that we will not. I think that the Congress—at least the Senate—is not addressing the issue because there is not clear-cut agreement in this body as to how to proceed.

My own view is that an air attack and a missile attack, if one is to be carried out, constitutes an act of war. And under the Constitution that requires Congressional authorization. The President is authorized as the Commander in Chief—and there is only one Commander in Chief, and it is obvious that where the 535 Members of the Congress cannot agree upon a program that we are not committed to be the executive. That is why we have an executive. But still the Constitution requires that war would be declared only by an act of Congress. And I think the international law interpretations make it plain that military action, like air attack or missile attack, does constitute an act of war.

I believe that we have not yet seen a clear definition of U.S. objectives as to what we are seeking to accomplish. My sense is that the American people are not prepared for what may occur.

I make it a practice, as I know the Chair does, of having open house town meetings. And I had three this week—